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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

17 FIONA HARVEY,  
18 Plaintiff,  
19 v.  
20 NETFLIX, INC. and NETFLIX  
21 WORLDWIDE ENTERTAINMENT,  
LLC,  
22 Defendants.

|Case No. 2:24-cv-04744-RGK-AJR

**DECLARATION OF BRIAN  
LEVENSON IN OPPOSITION TO  
DEFENDANTS' SPECIAL MOTION TO  
STRIKE**

Date: September 16, 2024

Time: 9:00 a.m.

Place: Courtroom 850

Judge: The Hon. R. Gary Klausner

1 I, BRIAN S. LEVENSON, hereby declare and state as follows:

2 1. I am a partner at The Roth Law Firm, PLLC as counsel for Plaintiff  
3 Fiona Harvey in this matter. I am over 18 years old and I submit this Declaration  
4 based upon my personal knowledge. If called as a witness, could and would testify  
5 to the matters set forth below.

6 2. This Declaration is submitted in Opposition to Defendants Netflix  
7 Inc.'s, and Netflix Worldwide Entertainment LLC's Special Motion to Strike.

8 3. Annexed as Exhibit 1 is a true and correct copy of the transcript of the  
9 May 8, 2024 hearing (the "Hearing") of the Culture, Media and Sport Committee  
10 (the "Committee") in the House of Commons, available on UK Parliament's  
11 website at (transcript available at

12 [https://committees.parliament.uk/committee/378/digital-culture-media-and-sport-](https://committees.parliament.uk/committee/378/digital-culture-media-and-sport-committee/publications/oral-evidence/)  
13 [committee/publications/oral-evidence/](https://committees.parliament.uk/committee/378/digital-culture-media-and-sport-committee/publications/oral-evidence/)) (last visited August 6, 2024). The Hearing  
14 can be viewed on UK Parliament's website at t  
<https://parliamentlive.tv/Event/Index/6fba870f-84fa-4bc5-a25c-7373979e4cca#player-tabs> (last visited August 6, 2024)

15 4. Annexed as Exhibit 2 is a true and correct copy of the promotional  
16 material for *Baby Reindeer* on Netflix's website,

17 <https://www.netflix.com/tudum/articles/baby-reindeer-cast-release-date-plot>.  
18 Exhibit 2 is incorporated into the Complaint. Compl., ¶ 73.

19 5. Annexed as Exhibit 3 is a true and correct copy of a letter dated May  
20 23, 2024 from Netflix to the Committee clarifying its statement at the Hearing that  
21 "the person on whom the show is based" was the subject of a court order and not a  
22 criminal conviction. Exhibit 3 is available at UK Parliament's website at"  
23 <https://api.parliament.uk/committees/publications/45022> (last visited August 6,  
24 2024).

1       6. Annexed as Exhibit 4 is a true and correct copy of a UK Parliament  
2 webpage explaining the process of becoming a Member of Parliament available at  
3 <https://www.parliament.uk/about/mps-and-lords/members/electing-mps/> (last  
4 visited August 6, 2024).

5       7. Annexed as Exhibit 5 is a true and correct copy of an article *Will the*  
6 *Baby Reindeer Scandal Kill ‘True Story’ TV*, published by the Sunday Times on  
7 June 16, 2024 available at [https://www.thetimes.com/uk/arts/article/will-the-baby-](https://www.thetimes.com/uk/arts/article/will-the-baby-reindeer-scandal-kill-true-story-tv-9v26txpgm)  
8 [reindeer-scandal-kill-true-story-tv-9v26txpgm](https://www.thetimes.com/uk/arts/article/will-the-baby-reindeer-scandal-kill-true-story-tv-9v26txpgm) (last visited August 9, 2024).

9       8. Annexed as Exhibit 6 are screenshot excerpts from the ebook of the  
10 play, *Baby Reindeer*, written by Richard Gadd, that I purchased through Richard  
11 Gadd’s website <https://www.richardgadd.com/>.

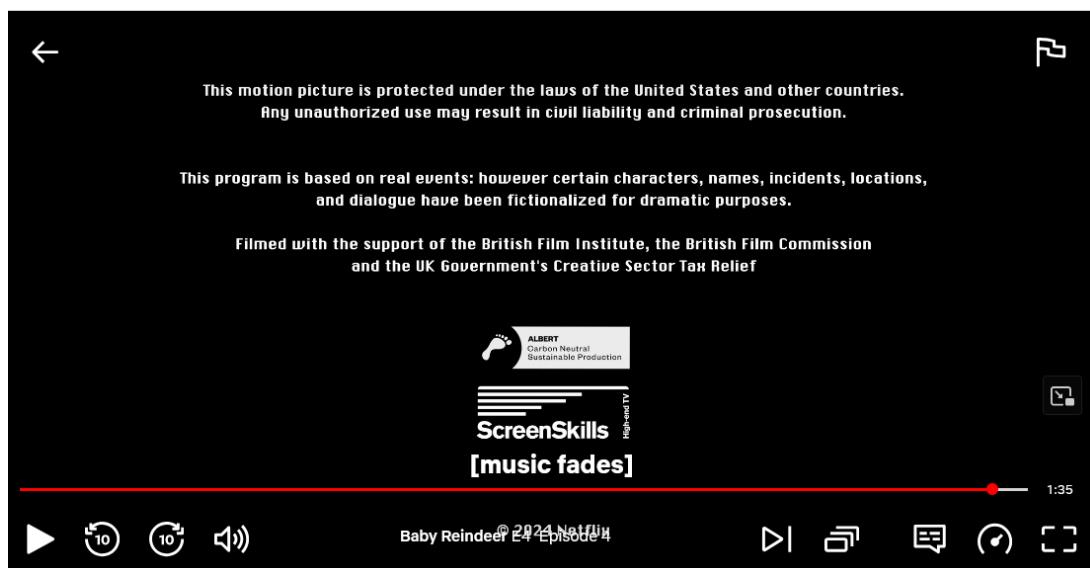
12       9. Annexed as Exhibit 7 is a screenshot of a video that Netflix posted to  
13 its social media accounts on Twitter and Facebook proclaiming, “Martha’s emails  
14 from *Baby Reindeer*. Everyone of them is real.” Netflix’s post received 460,000  
15 views on Twitter, 2.9 million plays on Facebook, available at  
16 [https://www.facebook.com/netflixus/videos/marthas-emails-from-baby-reindeer-](https://www.facebook.com/netflixus/videos/marthas-emails-from-baby-reindeer-every-one-of-them-real/1071706193898341/)  
17 [every-one-of-them-real/1071706193898341/](https://www.facebook.com/netflixus/videos/marthas-emails-from-baby-reindeer-every-one-of-them-real/1071706193898341/) (last accessed August 6, 2024) and  
18 <https://x.com/netflix/status/1779162630520729877?lang=en> (last accessed August  
19 6, 2024).

20       10. When *Baby Reindeer* is viewed on the Netflix platform (not the thumb  
21 drive Netflix provided to the Court) the next episode of *Baby Reindeer* begins  
22 before the credits complete such that no disclaimer is seen by the viewer. At the  
23 end of any episode the viewer is presented with this choice at the end of the  
24 episode:

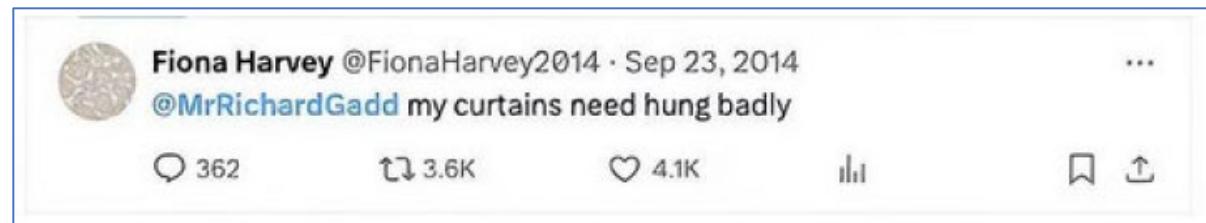


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1 If “Watch Credits” is not selected, then the disclaimer is never seen. For example,  
2 when I clicked “Watch Credits” option in Episode 4, a disclaimer at -1:35 (about  
3 the middle of three minutes of credits) appeared sandwiched between a warning  
4 about copyright infringement and a credit for the British Film Commission and the  
5 UK Government’s Creative Sector Tax Relief and a logo for Screen Skills as  
6 follows:



11. Annexed as Exhibit 8 is a true and correct copy of a publicly available  
12 and searchable tweet from FionaHarvey2014 to MrRichardGadd dated September  
13 23, 2014 that states: “@MrRichardGadd my curtains need hung badly” available at  
14 <https://x.com/FionaHarvey2014/status/514416588645494785?lang=en> (last visited  
15 August 25, 2024). Exhibit 8 is incorporated into the Complaint. Compl., ¶ 35.



1       12. Annexed as Exhibit 9 is a true and correct copy of relevant excerpts  
2 from Netflix's 2024 10-K filed with the Securities and Exchange Commission at  
3 <https://www.sec.gov/ix?doc=/Archives/edgar/data/1065280/000106528024000030/nflx-20231231.htm> (last visited August 21, 2024). Exhibit 9 is incorporated into  
5 the Complaint. Complt., ¶¶ 5-6, 11, 50.

6       13. Laura Wray's interview on Piers Morgan Uncensored is available on  
7 Piers Morgan Uncensored's YouTube Channel at:  
8 <https://www.youtube.com/watch?v=6U1bb4F9CSs&t=2010s> (last accessed August  
9 26, 2024).

10      14. Annexed as Exhibit 10 is a true and correct copy of the LinkedIn  
11 Profile of Lisa Taback available at <https://www.linkedin.com/in/lisa-taback-4b4a687/> (last visited August 13, 2024).

13      15. Annexed as Exhibit 11 is a true and correct copy of the Board of  
14 Directors page from The Gotham Film & Media Institute's website available at  
15 <https://thegotham.org/about/board-of-directors/#null> (last visited August 13, 2024).

16      16. Annexed as Exhibit 12 is a true and correct copy of the Partnership  
17 page from The Gotham Film & Media Institute's website available at  
18 <https://thegotham.org/about/partnership/> (last visited August 13, 2024).

19      17. Annexed as Exhibit 13 is a true and correct copy of the webpage  
20 <https://deadline.com/2023/03/netflix-paris-theater-venice-film-festival-gotham-institute-program-screenings-1235313417/> (last visited August 13, 2024) for an  
21 article about the Venice Film Festival sponsored by Netflix and The Gotham Film  
22 & Media Institute.

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25      I declare under penalty of perjury that the foregoing is true and correct to the  
26 best of my knowledge, information and belief.  
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Executed this 26<sup>th</sup> day of August, 2024 at New York, New York.

By: /s/ Brian Levenson  
Brian Levenson